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April 11, 1994

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Secretary's Office
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

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Re: PP Docket No. 93-21 - Sports Programming Migration

Dear Secretary:

Please accept for filing an original and eight copies of the comments of the National Collegiate Athletic Association in the above-entitled matter. Two additional copies are enclosed and we request that you kindly date stamp and return them to the messenger.

If you have any questions, please contact me.

Sincerely,

John F. Bartos, Jr.

John F. Bartos, Jr.*

JFB:at
Enclosures

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* not admitted in the District of Columbia

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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

APR 11 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Implementation of Section 26 of the)
 Cable Television Consumer Protection)
 and Competition Act of 1992)

PP Docket No. 93-21

Inquiry into Sports Programming)
 Migration)

COMMENTS OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

The National Collegiate Athletic Association ("NCAA"), by its attorneys, hereby responds to the Commission's Further Notice of Inquiry concerning the "migration" of sports programming.¹ The goal of the Further Notice of Inquiry is to update the previously gathered information on the carriage of sports programming by broadcast stations, cable programming networks, and pay-per-view services. The information will be used by the Commission in preparing its Final Report to Congress, which is due on July 1, 1994. The NCAA welcomes the opportunity to assist the Commission by submitting these comments.

The NCAA wholeheartedly endorses the Commission's finding in the Interim Report that there is "no evidence of migration of college basketball games to

¹ The Commission issued a Notice of Inquiry on February 9, 1993 and the NCAA submitted Comments on April 12, 1993. The Commission's study served as the basis for the Interim Report that was submitted to Congress on July 1, 1993, as required by Section 26 of the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act"). Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992).

subscription media." Further Notice of Inquiry, ¶ 27. The extensive television coverage of the recently completed Division I men's basketball tournament, commonly known as the Final Four^{®2} Tournament, certainly shows that the Commission's finding was correct. Every one of the tournament's 63 games was broadcast live, in whole or in part, on "free" television. This includes 32 first-round games, 16 second-round games, 8 third-round games, 4 regional championships, 2 semi-finals, and the national championship game.

In the first two rounds, as many as four games were played simultaneously, so broadcast arrangements were made on a regional basis. Games in the subsequent rounds of the tournament were broadcast nationwide. Previously, many of the first round games were telecast on ESPN, a cable sports network (though they were carried by over-the-air broadcasters in areas of particular interest).³ Thus, as far as the Division I men's basketball championships are concerned, clearly there has been what can only be characterized as a "reverse migration" of sports programming.

Other intercollegiate basketball championships do not receive as much

² Final Four[®] is a registered service mark of the NCAA.

³ Through the period from 1980 to 1991, ESPN showed approximately 10 complete first-round games live, and about 10 complete first-round games on a tape-delayed basis. All early-round games were produced by the NCAA national office, and they were marketed to local broadcasters in areas where interest in one or both contestants was strong. An event selected for broadcast by a local broadcaster was "blackout" from ESPN coverage in that market. (Incidentally, the Final Four[®] Tournament had only 48 participating teams in 1980. This number increased to 52 in 1983, 53 in 1984, and to the present level in 1985.)

coverage, but again the "migration," if any, is toward increased reliance on "free" broadcast television. CBS carries the final and semi-final games of the Division I women's basketball championship tournament; the quarter-finals are telecast on ESPN. The final game of the Division II men's basketball championship tournament is carried on CBS. For the Division II women's basketball championship tournament, the final game is carried on ESPN. Telecasting rights to earlier-round games in these tournaments are marketed by the NCAA, generally to local broadcasters. The participation of ESPN in carrying these events supplements, rather than supplants, broadcast sports programming.

The NCAA has not engaged in the sale of telecasting rights to any intercollegiate contests other than its own championships, such as the Final Four® Tournament, since 1984. Thus, the NCAA has not been involved in any contracts for the telecasting of in-season basketball games. Similarly, the NCAA has no involvement in contracts for the telecasting of in-season football games in any division. Post-season play in Division I-A football currently consists of 18 bowl games. The NCAA does not sponsor a Division I-A football championship; however, it does certify each bowl game as conforming to the conditions and rules established by the membership (relating to such matters as rules of play, distribution of gross receipts, and insurance). The NCAA does not administer the telecasting contracts.

In the case of Divisions I-AA, II, and III football, the NCAA sponsors national championships. For Division I-AA, the final game of the NCAA championship

football tournament is carried on CBS. For Divisions II and III, the finals of NCAA championship football tournaments are carried on ESPN.

Based on information available to the NCAA, collegiate athletic contests are not generally migrating from broadcast outlets to cable sports networks or to pay-per-view television. Although certain college sports events are now available only on cable sports networks, a very substantial quantity of college sports programming continues to be available on "free" broadcast television. Moreover, subscription media have made it possible for viewers to watch sports programming they otherwise would not have the opportunity to see.

The NCAA hopes the foregoing comments are helpful to the Commission in meeting its responsibilities under Section 26 of the Cable Act. The Association stands ready to provide any additional information which the Commission may require.

Respectfully submitted,

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION

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